

15 DECEMBER 1947

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of  
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15 DECEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1519-D		3608	Document entitled "Foreign Ministry File on Wang Ching-wei"		35281
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Monday, 15 December 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except MATSUI who is represented by counsel. We have  
5 a certificate from the prison surgeon at Sugamo certi-  
6 fying that he is ill and unable to attend the trial  
7 today. The certificate will be recorded and filed.

8 Brigadier Nolan.

9 BRIGADIER NOLAN: If it please the Tribunal.

10  
11 T E I I C H I S U Z U K I, an accused, resumed  
12 the stand and testified through Japanese  
13 interpreters as follows:

14 CROSS-EXAMINATION

15 BY BRIGADIER NOLAN (Continued):

16 Q General SUZUKI, on Friday at the adjournment  
17 we were discussing the China Affairs Board, and I  
18 observe in your affidavit on page 10 that the establish-  
19 ment of new regimes in China was incompatible with your  
20 basic ideas regarding Chinese affairs and that, further-  
21 more, you directed your efforts so that this interference  
22 in the political affairs of China might be minimized.  
23 What did you do to minimize this interference?

24 A At the time the establishment of a new govern-  
25 ment had been decided on, and it was our desire that



1 under those circumstances nothing be done to force  
2 Japan's intentions in regard to her relations with the  
3 new government.

4 Q Does that mean that you were in favor of it  
5 or you weren't?

6 A I, myself, was making every effort to advance  
7 along those lines.

8 Q Along what lines?

9 A Along lines that would make Japan's interference  
10 as small as possible.

11 Q Well, now, just let us examine what you did.  
12 In December of 1938 you were appointed Chief of the  
13 Political Section of the China Affairs Board, and in  
14 March of 1939 there were set up liaison offices of that  
15 board in China.

16 A Yes.

17 Q And that was during the time that you were  
18 Chief of the Political Section.

19 A Yes.

20 Q What was the purpose of these liaison offices?

21 A I know this much about the establishment of  
22 the liaison offices: Until their establishment the  
23 Army had had special service agencies all over China  
24 and, therefore, the opinion was advanced that it was  
25 not good that the Army solve all problems in China



1 according to its own viewpoint and that the viewpoint  
2 of all administrative government offices be also taken  
3 into consideration in dealing with such problems. The  
4 liaison offices were established in accordance with  
5 this idea.

6 Q I suggest to you that their real purpose was  
7 the guidance of the new central government.

8 A No, that is not so.

9 Q Now, that was in March of 1939, and in April  
10 there were certain instructions sent to the chiefs of  
11 these liaison departments.

12 May the witness be shown IPS document 2178-D?

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q (Continuing) Can you turn to a decision at the  
16 meeting of the China Affairs Board of the 7th of April  
17 1939, please?

18 A I have found the place.

19 Q Were you present at that meeting on that day?

20 A I cannot recall exactly whether that conference  
21 was held on that day or not.

22 Q What reason have you to suggest that it was not  
23 held on that day?

24 A No, I have no reason.

25 Q Do you remember certain instructions being



1 issued by the Prime Minister and by the Chief of the  
2 General Affairs Section of the China Affairs Board at  
3 a conference of chiefs of liaison sections?

4 A If such a conference had actually been held  
5 such instructions probably were issued.

6 Q And you were probably there?

7 A I think so.

8 Q Well, then, will you admit to me that you were  
9 at this meeting when these instructions were issued?

10 A I don't remember now. I can't identify  
11 exactly, with certainty, that instructions such as are  
12 written here were actually given on that date at that  
13 conference.

14 Q Have you seen that document before which was  
15 just handed to you, General SUZUKI?

16 A No, I have never seen this document before.

17 Q You were in the China Affairs Board, were you,  
18 General SUZUKI?

19 A Yes, I was.

20 Q You remember that, do you?

21 A If instructions had been issued I would have  
22 seen those instructions.

23 Q Then is it your evidence today that no such  
24 instructions were issued to the liaison offices?

25 A I believe that instructions were issued, but



1 what I am testifying to here is that I have no recol-  
2 lection as to whether the instructions then given were  
3 the same as those written in this document here.

4 Q Well, so much for that.

5 In June of 1939 there were large sums of  
6 money appropriated for what was known as the Wu Project.

7 A I have no recollection of that. At that time  
8 the China Affairs Board did not concern itself with such  
9 matters.

10 Q And the monies were to be paid out of the  
11 surplus of the maritime customs revenue. Does that  
12 help you to remember?

13 A I know nothing at all about that which you  
14 speak.

15 Q And the funds were to be drawn in the name of  
16 a Japanese in order to maintain secrecy. Do you  
17 remember that?

18 A No, I know nothing at all about that.  
19  
20  
21  
22  
23  
24  
25



BRIGADIER NOLAN: May the witness be shown  
1 IPS document No. 1519-D.

2 (Whereupon, a document was  
3 shown to the witness.)

4 THE WITNESS: I have completed looking it over.

5 Q Now you remember all about it, don't you?

6 A My memory is still not quite sure on this  
7 point, but I do know that the Army was engaged in  
8 such projects.

9  
10 Q Will you please look at the first page of  
11 the document I handed to you? Who issued that document?

12 A The first document is in my name.

13 Q Yes. And the other documents were attached  
14 to the first document, were they not?

15 A According to this document instructions  
16 were sent from the War Ministry to the China Affairs  
17 Board, and from the China Affairs Board were passed on  
18 to the Foreign Ministry.

19 THE MONITOR: Delete "instructions." Commu-  
20 nications were sent.

21 Q And these documents you have seen before?

22 A I think I have.

23 BRIGADIER NOLAN: I ask to have IPS document  
24 No. 1519-D marked for identification only.

25 CLERK OF THE COURT: Prosecution document



1 No. 1519-D will receive exhibit Number 3608 for identi-  
2 fication only.

3 (Whereupon, the document above  
4 referred to was marked prosecution exhibit  
5 No. 3608 for identification.)

6 BRIGADIER NOLAN: And the excerpt therefrom,  
7 bearing No. 1519-D, I offer in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Correction on the first ex-  
10 hibit: Prosecution document, entitled "Foreign Ministry  
11 File on Wang Ching-wei," will receive exhibit No. 3608 for  
12 identification only; and the excerpt therefrom, being prose-  
13 cution document 1519-D, will receive exhibit No. 3608-A.

14 (Whereupon, prosecution document  
15 No. 1519-D, previously marked prosecution  
16 exhibit No. 3608 for identification, was received  
17 in evidence.)

18 BRIGADIER NOLAN: I read the first page of  
19 exhibit 3608:

20 "From SUZUKI, Teiichi, Chief of the Adminis-  
21 trative Affairs Department, KO-A-IN, to Mr. KURIHARA,  
22 Masashi, Chief of the Bureau of East Asiatic Affairs,  
23 the Foreign Ministry.

24 "Re a spot Japanese nominal person responsible  
25



for movements.

1           "Regarding the matter mentioned above, I  
2 beg to inform you that I have submitted a notification  
3 to the Vice-Chief of the Liaison Office of North and  
4 Central China, as per the separate sheet."

5           And the separate sheet is:

6           "From the Chief of the Administrative Affairs  
7 Department, to the Vice-Chief of the Liaison Office  
8 of the North and Central China.  
9

10           "Re a spot Japanese nominal person responsible  
11 for movements.

12           "I beg to inform you that with regard to the  
13 spot Japanese nominal person responsible for the expenses  
14 needed for the National Salvation Anti-Comintern League  
15 in accordance with the decision on April 1 at the  
16 conference of the KO-A-IN and for the movements of  
17 Wu/T.N. Wu Pei-fu/ in accordance with the decision of  
18 June 23 at the meeting of the KO-A-IN, the chief of  
19 the Military Affairs Bureau of the War Ministry has  
20 notified us as per the separate sheet."

21           And the separate sheet is:

22           "From MACHIJIRI, Kazumoto, Chief of the  
23 Military Affairs Bureau, the War Ministry, to Mr. SUZUKI,  
24 Teiichi.  
25

          "Chief of the Administrative Affairs Depart-



ment, KO-A-IN.

1           "I beg to inform you that I have notified  
2 the Finance Ministry regarding the spot nominal  
3 person responsible for the expenses needed for the  
4 National Salvation Anti-Comintern League in accordance  
5 with the decision made on April 1 at the meeting of  
6 the KO-A-IN as follows:

7           "The Spot Responsible Person for Movements:

8           "Artillery Colonel KAGESA, Sadaaki.

9           "However, the name 'KAGESA, Sadaaki' should  
10 be used in case of receiving money."

11           The next sheet is the same except that the  
12 expenses are for the movements of Wu, and the name is  
13 OSEKO, Michisada.

14           Q   Well, now, there had been expenses provided  
15 for this Wu project, had there not, in accordance with  
16 the decision made in the China Affairs Board?

17           A   I think so.

18           Q   And you passed on the names of the people,  
19 the Japanese, who were to draw the money secretly?

20           A   I don't know what the purpose of the funds  
21 was to be, whether they were to be drawn out secretly  
22 or not. I merely conveyed to the Foreign Office and  
23 to the Branch Offices in our China Area the communica-  
24 tions which had been sent to me from the War Ministry.  
25



1           Q    Were you not present at a meeting of the  
2 China Affairs Board when this question of expenses and  
3 the secrecy in connection with it was decided?

4           A    No, I was not.

5           Q    Well, for what, did you suppose, were these  
6 names being sent through you; for what purpose? Surely  
7 you have some memory regarding these matters.

8           A    When such communications were sent out  
9 from our office it was the custom at the time that  
10 they be sent over in the name of the General Director  
11 of the China Affairs Board, or in my name.

12

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1 Q Well, what does that prove, that you knew  
2 about it or that you didn't?

3 A I knew about such communications being sent  
4 out from the China Affairs Board.

5 Q Did you know that this money was to be de-  
6 rived from the maritime customs revenue?

7 A I have no clear recollection at the present  
8 moment on that point.

9 Q Well, give me the best recollection that  
10 you have at the present moment on that point.

11 A All that remains in my memory at the present  
12 moment is that the various branch agencies of the army  
13 in China were carrying on the Wu Project at the time,  
14 and they may have utilized the revenue of the maritime  
15 customs for their expenditures.

16 Q And what was the maritime custom revenue?

17 A It was a customs duty levied on imports  
18 into China.

19 Q And collected by the Japanese authorities  
20 and used for their own purposes?

21 A No, I don't think so.

22 Q Do you remember in September 1939 another  
23 decision was come to and further large sums of money  
24 were appropriated for the establishment of the new  
25 central government?



1           A    Such a decision may have been reached at  
2   that time.

3           Q    Well, was it?

4           A    Well, at the present moment I have no  
5   recollection of it. At the time when the question of  
6   the establishment of the new government had been  
7   raised, the question of how to finance that new  
8   government also came up. That is the best I can  
9   remember.

10          Q    All right. And how did you decide to finance  
11   it?

12          A    The Republic of China depended basically on  
13   the revenues derived from the maritime customs for its  
14   finances, and therefore should a new government be  
15   established it would naturally have to rely on these  
16   also.

17          Q    But it wasn't allowed to collect them?

18          A    I don't recall such minor details.

19          Q    General SUZUKI, during the time that you were  
20   in the China Affairs Board this was the most important  
21   matter which came to the attention of that board. Is  
22   that not so?

23          A    To what problem are you referring?

24          A    I am referring to the problem of creating  
25   either one or more new governments in China.



A Yes.

1 Q So you have every reason in the world to  
2 remember about these matters, have you not?

3 A Compared to other matters, yes.

4 Q You mean this was the more important?

5 A Yes.

6 Q Now, do you remember when Mr. KAGESA went to  
7 see Mr. Wang Ching-wei?  
8

9 A Yes.

10 Q Do you remember he carried a letter from  
11 you of introduction?

12 A I remember.

13 Q That, I suppose, is indicative of your  
14 reluctance to interfere with the establishment of new  
15 regimes in China, is it?

16 A At the time the establishment of the new  
17 government had not yet become a question before us.

18 Q No, because you were still trying to persuade  
19 Wang Ching-wei to accept, were you not?

20 A No, that is not so. What I knew at the time  
21 and what led me to write that letter is as follows:

22 The question of concluding an immediate peace  
23 with China was all important. Mr. Wang Ching-wei had  
24 come to us from Chungking in answer to the KONOYE  
25 declaration and in order to make every effort for peace.



1 Thereupon, General KAGESA was to go and meet Mr. Wang,  
2 and he was given letters from the Prime Minister, the  
3 War Minister, the Navy Minister, and the Foreign  
4 Minister. At the time the China Affairs Board was also  
5 asked to send a letter in order to show that it was not  
6 opposed to Mr. Wang's peace moves; but General YAMA-  
7 GAWA, who was the Director of the China Affairs Board,  
8 did not know Wang personally. I had, however, known  
9 him from before, and therefore I was requested to  
10 write a letter exhorting Mr. Wang to make every effort  
11 for peace.

12 Q Now, what happened when General Wu Pei-fu  
13 died to the money that had been allocated for his  
14 expenses?

15 A I don't remember.

16 Q Will you look at IPS document 1814 and see  
17 if that helps you to remember? There is a document  
18 there dated 15 January 1940, General SUZUKI.

19 A Yes.

20 Q And it refers to a decision come to at a  
21 conference of the China Affairs Board on the 28th of  
22 December, 1939. You are familiar with that decision?

23 A I have no clear recollection of this.

24 Q Well, do you remember that it was decided  
25 by the China Affairs Board as to what disposition must



1 be made of the expenses for the Wu Project after General  
2 Wu died?

3 A No clear memory springs up in my mind, even  
4 though I have looked through this document -- just by  
5 looking through this document.

6 Q Well, will you look at document 1685, if  
7 you will, please. It has already been marked for  
8 identification in this case as exhibit 270, at record  
9 3605. Do you see a document dated the first of  
10 November, 1939?

11 A Yes.

12 Q Do you remember that decision?

13 A I remember that such matters were discussed  
14 at the time.  
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Q Do you remember seeing that document before?

1 A I cannot say with certainty that I have seen  
2 this document before. I don't know whether I have seen  
3 it or not.  
4

Q It would be reasonable to suppose that you had,  
5 would it not, if it was a decision come to at the con-  
6 ference of the China Affairs Board?  
7

8 A I think I can recall matters that were actually  
9 discussed at the conference. But what I want to say  
10 here is that I do not remember whether this document  
11 does embody what was discussed and decided on at that  
12 conference. That is to say, all documents which  
13 embodied decisions arrived at a conference of the China  
14 Affairs Board received the signature of the president  
15 and of the vice-president of the board, and I also took  
16 such documents to the office of the general director  
17 of the board.  
18

Q Did you take this document to the office of  
19 the general director of the board?  
20

21 A I have no recollection as to whether I took  
22 or did not take this document.

Q Well, before we leave this topic, I should  
23 like you to tell me, if you will, whether, when the  
24 army was working on the Wu Project, the accused DOHIHARA  
25 played a prominent part?



1 A I don't know whether he played a prominent  
2 part, but I know that he was connected with that pro-  
3 ject.

4 Q Now, going ahead more rapidly to February  
5 of 1940, do you remember that in that month the China  
6 Affairs Board recommended advisers to the New Central  
7 Government in China?

8 A I remember.

9 Q And do you remember that in that same month  
10 another forty million yuan were authorized to be loaned  
11 to the New Central Government?

12 A I think such things transpired.

13 Q Now, leaving the China Affairs Board, will  
14 you direct your attention to those portions of your  
15 affidavit having to do with the presidency of the  
16 Planning Board, beginning at page 11 of the English.

17 On the 4th of April, 1941, you became presi-  
18 dent of the Planning Board and Minister without Port-  
19 folio?

20 A Yes.

21 Q Now, you say you were reluctant to accept  
22 this appointment of President of the Planning Board,  
23 but that you accepted it because if you had not, it  
24 would have placed your old friend, KONOYE, in an awkward  
25 predicament?



1 A I am not.

2 Q And in connection with your duties of the  
3 Planning Board, am I right in saying that you took  
4 over and revised the Five-Year Plan of your predecessor,  
5 HOSHINO?

6 A I did.

7 Q Now, I don't want to go into this in any  
8 detail, but the Prime Minister was the president of  
9 the board -- or, rather, I am sorry, correction: The  
10 Prime Minister selects the president of the board?

11 A The Emperor named the president of the Cabinet  
12 Planning Board on the recommendation of the Prime  
13 Minister.

14 Q Yes. Now, one of the duties of the president  
15 of the Planning Board would be to advise the Prime  
16 Minister and the cabinet on matters of national policy,  
17 would it not?

18 A The president of the Planning Board had the  
19 power to advise the cabinet on matters of national  
20 policy other than those concerning military affairs  
21 and foreign affairs.

22 Q In other words, regarding those matters  
23 which would affect trade and the national resources  
24 of Japan?

25 A Yes.



A Yes.

1 Q What was the awkward predicament?

2 A In those days all kinds of movements agitating  
3 for the establishment of a new structure in Japan were  
4 being promoted, and these movements were being advanced  
5 in a manner which went further than what Prince KONOYE  
6 had expected.

7 Q What were you going to do about it?

8 THE INTERPRETER: Correction on the last  
9 statement: "went further" should be corrected to  
10 "overstepped the bounds."  
11

12 A Because of this situation, Prince KONOYE  
13 wished to put curbs on this tendency, and decided to  
14 reorganize his cabinet. Mr. OGURA, Masatsune was taken  
15 into Prince KONOYE's cabinet to act as principal leader  
16 of economic affairs, and one of the conditions which  
17 Mr. OGURA laid for his acceptance of a cabinet post  
18 was the nomination of a new president of the Planning  
19 Board.

20 Q Yes, all right. Now, in your affidavit on  
21 page 11, you say that you understood that your primary  
22 function lay in the execution of the business of the  
23 Planning Board. You are not suggesting by that para-  
24 graph that you could escape the responsibility attach-  
25 ing to a minister of state?



1 A I am not.

2 Q And in connection with your duties of the  
3 Planning Board, am I right in saying that you took  
4 over and revised the Five-Year Plan of your predecessor,  
5 HOSHINO?

6 A I did.

7 Q Now, I don't want to go into this in any  
8 detail, but the Prime Minister was the president of  
9 the board -- or, rather, I am sorry, correction: The  
10 Prime Minister selects the president of the board?

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13 Minister.

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15 of the Planning Board would be to advise the Prime  
16 Minister and the cabinet on matters of national policy,  
17 would it not?

18 A The president of the Planning Board had the  
19 power to advise the cabinet on matters of national  
20 policy other than those concerning military affairs  
21 and foreign affairs.

22 Q In other words, regarding those matters  
23 which would affect trade and the national resources  
24 of Japan?

25 A Yes.



1 Q Now, on page 12 of your affidavit, you make  
2 reference to the impossibility of obtaining special  
3 steel, machine tools and scrap iron because of the  
4 German-Soviet war and the dispatch of troops into  
5 French Indo-China.

6 A Yes.

7 Q I suggest to you that the special steel, the  
8 machine tools and the scrap iron were to be used for  
9 the manufacture of munitions of war.

10 A In the light of the situation then prevailing,  
11 on the whole that was the uses to which it would put --  
12 they would be put.

13 Q Now, you say on page 13 that you voiced your  
14 view to the Prime Minister, KONOYE, that the dispatch  
15 of troops to South Indo-China would be a serious matter  
16 if you were subjected to an economic embargo. That  
17 means, of course, that you objected to the move, does  
18 it not?

19 A Yes.

20 Q It was a matter of great importance, I take it,  
21 as to whether troops went into South Indo-China.

22 A I should like to tell you my ideas on that  
23 point. I was of the opinion that our military power  
24 should be contracted in order that we would be able to  
25 concentrate it at one point. I felt that in view of



1 our negotiations with America and in view of our  
2 domestic situation, the deployment of our forces  
3 over a wide area was not -- was unwise.

4 Q My point simply is this, General SUZUKI: In  
5 view of the fact that you opposed this move, you did  
6 nothing to relinquish the office which you held.

7 A No, I didn't.

8 Q You say on page 13 the Prime Minister told  
9 you that the move into South Indo-China was imperative  
10 in order to ward off an immediate danger of a war  
11 with the Soviet Union.

12 A That is what Prince KONOYE himself told me at  
13 the time.

14 Q Did you agree with that view?

15 A I neither agreed nor disagreed. I just  
16 listened to what he said.

17 Q INTERPRETER: Correction: "It was not a  
18 question of whether -- of agreement or disagreement.  
19 I merely listened to what he said."

20 Q But were you one of the cabinet ministers who  
21 decided on the dispatch of those troops?

22 A Yes, I was.

23 Q Did you think yourself that a move into South  
24 Indo-China would ward off the immediate danger of a war  
25 with the Soviet Union?

A I didn't think so.



1 Q Neither do I.

2 Now, you say on page 13 something about the  
3 commodity mobilization plan sanctioned by the cabinet  
4 on the 22nd of August, 1941, and you make mention of  
5 self supply and self sufficiency and guaranteeing the  
6 security of the national livelihood and preserving the  
7 people's sense of security with regard to national  
8 defense.

9 This, put quite simply, General SUZUKI, was a  
10 war plan, was it not?

11 A One couldn't say it was a war plan.

12 Q Could one say that the key point of the scheme  
13 was prompt expansion of armament?

14 A Not necessarily. We laid quite a great stress  
15 on it, but that wasn't all.

16 Q In exhibit 1132, which appears in the case at  
17 page 10,204 of the record, there is what purports to be  
18 a statement issued by you on the purpose of this scheme  
19 or plan, and in it you say, "The Government previously  
20 set the scheme for the enforcement of the commodity  
21 mobilization plan for the first quarter of the 1941-2  
22 fiscal year. The Government however has examined and  
23 studied various measures necessary for the completion  
24 of the wartime system in response to the international  
25 situation which has since undergone a sudden change."



1 Did you say that at that time?

2 A I don't recall whether or not I made such a  
3 statement, but I was bending all my efforts to streng-  
4 then and stabilize our national economy which had been  
5 severely disrupted because of the severance of economic  
6 relations.

7 Q And, you were telling the people -- and I  
8 quote further from this exhibit -- the people of Japan  
9 that, "The enforcement of the commodity mobilization  
10 scheme depends upon a strong war sense and the co-  
11 operation of officials and the people."

12 Did you say that?

13 A I may have made such a statement.

14 Q Exhibit 1133 in the case, at page 10,213 of  
15 the record, dealing with traffic mobilization, is an  
16 excerpt from the Osaka Mainichi and the Tokyo Nichi  
17 Nichi of September 7, 1941. This statement says,  
18 "The Government, at the Cabinet meeting on Friday,  
19 September 5, decided the traffic mobilization plan in  
20 order to place land and sea transportation on a wartime  
21 basis to meet the requirements of the times."

22 This was a plan made in preparation for war,  
23 General SUZUKI?

24 A No, it wasn't.

25 Q Exhibit 1140, which is an extract from the



1 Tokyo Nichi Nichi, dated September 13, 1941, refers to  
2 the workers mobilization plan and says --

3 THE PRESIDENT: '41.

4 Q (Continuing) "The scheme, jointly formulated  
5 by the Planning Board and the Welfare Office, is based  
6 on the emergency labor policy decided in a recent  
7 Cabinet session, and is aimed at insuring the supply  
8 of sufficient labor for the increased production of  
9 munitions."

10 That is a war plan, is it not?

11 A No, it wasn't.

12 THE PRESIDENT: We will recess for fifteen  
13 minutes.

14 (Whereupon, at 1045, a recess was  
15 taken until 1100, after which the proceed-  
16 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

2 THE PRESIDENT: Brigadier Nolan.

3 BRIGADIER NOLAN: May it please the Tribunal.

4 BY BRIGADIER NOLAN (Continued):

5 Q And, General SUZUKI, exhibit 1192, to be found  
6 at record page 10,438, which is an excerpt from the  
7 Tokyo Nichi Nichi describing the new newspaper plan,  
8 says this: "The new system is aimed at placing news-  
9 papers on a wartime basis for the fulfillment of their  
10 necessary mission as an organ of the state and the people  
11 in the face of the present strained situation."

12 And I suggest to you that this plan also was in  
13 preparation for war. What is the answer?

14 A The Planning Board had nothing to do with news-  
15 papers.

16 Q Did the Planning Board have anything to do with  
17 the formulation of that plan?

18 A Nothing.

19 Q But it had to do with the other plans that I  
20 have mentioned to you?

21 A Yes.

22 Q Now, at the top of page 14 of your affidavit,  
23 you say, "Within Japan the opinion was brought to the  
24 fore that as long as the United States refused to  
25



1 sell us the needed commodities, we were compelled to  
2 take by force of arms the areas containing such re-  
3 sources."

4 Do you consider that the refusal of America to  
5 trade with Japan would constitute a justification for  
6 aggressive war?

7 MR. LEVIN: We object to that question, if it  
8 please the Tribunal, on the grounds that it is argumenta-  
9 tive and the facts are a matter for determination by the  
10 Tribunal.

11 THE PRESIDENT: The objection is overruled.  
12 It goes to test credibility.

13 A Under any circumstances aggressive warfare is  
14 wrong, I believe.

15 Q On the same page, General SUZUKI, you make  
16 reference to the stockpile supply and point out that the  
17 supply of petroleum was inadequate. Now, perhaps you  
18 will tell me when the oil well equipment in Japan was  
19 dismantled by the army and navy to be taken south?

20 A It wasn't the army. My understanding is that  
21 the navy began it and the army followed later.

22 Q Well, when was it?

23 A I first heard of it in the middle of August

24 Q 1941?

25 A Yes.



1 Q Now, was this oil drilling machinery or refin-  
2 ing plants?

3 A The Planning Board heard from oil men that  
4 orders had been given that equipment in the oil fields  
5 in Akita be dismantled.

6 Q And for what purpose?

7 A I think that this was done with the thought  
8 that there might be a possibility of war.

9 Q And with the thought that it might be very use-  
10 ful to exploit the oilfields of the areas to be occupied?

11 A I think so.

12 Q Now, in or about the month of July 1941 was  
13 there a plan created for French Indo-China and the ex-  
14 ploitation of its natural resources?

15 A I understand that such a plan was made.

16 Q Yes, and there was a stationary economic in-  
17 vestigation organ to be established in the Japanese  
18 Consulate General at Hanoi and Saigon?

19 A That is my understanding.

20 Q Now, on page 15 you describe a conversation  
21 with the then Prime Minister KONOYE, and you say that  
22 you interpreted his remark to mean that when you attended  
23 Imperial Conferences or conferences, it was as the  
24 Premier's technical assistant. By that I take it you mean  
25 that you were to reply to questions on economic problems?



A Yes.

1 Q Now, at the top of page 16, you say that you  
2 understood from what the Premier said to you that the  
3 Liaison Conference was not a policy making body, exist-  
4 ing over and above the cabinet; its so-called decisions  
5 thus would not be binding on the cabinet.

6 Now, I suggest to you that when a decision had  
7 been made at a Liaison Conference, there was little or  
8 no change made in that decision when it went back to  
9 the cabinet?  
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11 A That is so, but that requires explanation.  
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Q Make it as brief as you can, please.

1 A Of the matters discussed at the Liaison  
2 Conference most concerned foreign relations, and  
3 a great number concerned matters of commodities rela-  
4 tive to military affairs. Since the Prime Minister  
5 attended this conference in most cases, the form was  
6 adopted of having the cabinet arrive at any decision  
7 relative to such matters.

8 THE MONITOR: As the Prime Minister was  
9 also in attendance, generally speaking, whatever had  
10 been discussed at the Liaison Conference was approved  
11 by the cabinet.

12 A (Continued) One thing more: Before sub-  
13 jects for discussion were submitted to the Liaison  
14 Conference considerable study and investigation on  
15 these matters had been given to it by the officials  
16 of the War, Navy, and Foreign Ministry, and therefore  
17 it was not usual for people not connected with these  
18 ministries to make any remarks on these subjects.

19 Q You regularly attended the Liaison Conferences  
20 just prior to the war in 1941?

21 A No, I only began to attend the Liaison Con-  
22 ferences after the end of August, 1941, and even then  
23 I only attended such conferences as I was ordered to  
24 attend by the Prime Minister.  
25



1 Q You were one of the seven regular members  
2 who attended the Liaison Conferences, were you not?

3 A After the establishment of the TOJO Cabinet  
4 Liaison Conferences were held continuously up to the  
5 end of November, and I attended all of these conferences.

6 Q Yes. You say that you were invited by the  
7 Prime Minister to his private residence at Ogikubo  
8 on the 12th of October, 1941. This is on page 17 of  
9 your affidavit.

10 You say that you were present, having been  
11 directed to make a record of the proceedings. You  
12 are not suggesting that you were a mere secretary?

13 A I was not a mere secretary.

14 Q You were a member of the Conference?

15 A That conference was held in a very informal  
16 atmosphere. It was merely to enable the Prime Minister,  
17 the War Minister, the Navy Minister, and the Foreign  
18 Minister to discuss matters on intimate terms.

19 Q And the matter being discussed was the ques-  
20 tion of the withdrawal of the armed forces from China?

21 A The main topic was the question of whether  
22 or not to continue negotiations with America, and  
23 in connection with this main subject the question of  
24 the withdrawal of our troops from China also came up.  
25



1 Q Yes. What contribution did you make to the  
2 discussion?

3 A Since I was not asked to do anything by  
4 the Prime Minister, I did not make any remark.

5 Q Did you express your sympathy for the Chinese  
6 nationalistic government which you felt so keenly  
7 about?

8 A I did not say anything there. During the  
9 course of the conference I was busy taking notes of  
10 what the other ministers were saying.

11 Q Now, on page 19 of your affidavit you make  
12 reference to certain conversations which took place  
13 between you and Prime Minister KONOYE and the Marquis  
14 KIDO. At the time of the fall of the Third KONOYE  
15 Cabinet, around that time, you went to see the accused  
16 KIDO, and did you tell him that the army wanted war?

17 A It is not my recollection.

18 Q And did you tell him that the only way to  
19 suppress the attitude of the army was to have the  
20 Emperor state that he didn't want a war?

21 A I remember that.

22 Q And do you remember that the accused KIDO  
23 did not agree with your views?

24 A I remember.

25 Q And do you remember discussing with the accused



1 KIDO the appointment of Prince HIGASHI-KUNI and  
2 expressing the view that you thought the Prince could  
3 control the army?

4 A I told Marquis KIDO Army Minister TOJO's  
5 ideas as to whether TOJO would be able to control the  
6 army in the event that Prince HIGASHI-KUNI became  
7 Prime Minister and established a national policy that  
8 would be against war. This I had done in response to  
9 KIDO's request.

10 Q Now, on page 20 of your affidavit you explain  
11 to us that you were asked to go and inform the Prince  
12 HIGASHI-KUNI on the state of the nation's strength.  
13 That was the nation's strength?

14 A I told him of Japan's material mobilization  
15 plan for the year 1941 with 4,700,000 tons of steel  
16 as its base.

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1 Q What I want you to tell me is, did you inform  
2 the Prince that Japan was sufficiently strong to go  
3 to war or that she was not?

4 A I said we were not strong enough.

5 Q And this was on or about the 16th of October  
6 1941.

7 A Yes.

8 Q Now, on page 21 you say that Prince KONOYE  
9 told you that TOJO would check the war faction, he  
10 believed, and proceed with the American negotiation;  
11 and encouraged you to remain in office in the new  
12 government about to be formed.

13 Now, you had known General TOJO for a long  
14 time and intimately.

15 A The only occasions on which I worked together  
16 with General TOJO were when I was Chief of Staff of the  
17 Third Army; when I was political -- when I was Chief  
18 of the Political Department of the China Affairs Board  
19 and General TOJO was Vice-President of that board; and,  
20 finally, when I was President of the Planning Board and  
21 a cabinet colleague of General TOJO's.

22 Q That covers a good many years, doesn't it?

23 A When compared to the total length of my military  
24 service, I don't think you can say it was a very long  
25 period.



1 Q Well, however long it was, I would like you  
2 to tell me whether you really believed that General  
3 TOJO would check the war faction.

4 A I thought at the time that General TOJO would  
5 be able to do this and so did Prince KONOYE. And the  
6 reason for our belief was that up to a certain time  
7 General TOJO had been an ardent supporter of the  
8 Japanese-American negotiations, and even when Foreign  
9 Minister MATSUOKA had been replaced, he agreed whole-  
10 heartedly to the change.

11 Q As a matter of fact at this time the Army was  
12 urging war.

13 A Yes, it was, and therefore when I talked with  
14 Prince KONOYE at the time, I was taking the following  
15 matters into consideration: namely, that General TOJO  
16 himself did not seem to have any desire for war, but  
17 that there seemed to be some power or some force behind  
18 him that was pushing him in that direction.

19 THE INTERPRETER: Correction: "Namely, that  
20 General TOJO did not necessarily seem to advocate war  
21 on his own, but that there seemed to be some power  
22 behind him that was pushing him in that direction."

23 THE MONITOR: Slight correction: Not that there  
24 was some hidden power behind him, but there was some  
25 hidden power pushing this war agitation.



1 Q Now, you say that General TOJO when he became  
2 Prime Minister, on page 22 of your affidavit, told you  
3 not to meddle in political affairs, to concentrate  
4 your energy on the work of economic mobilization, but  
5 you continued, I understand, to discharge your duties  
6 as a cabinet minister, did you not?

7 A Yes.

8 Q Then you in some detail on page 23 go into  
9 the questions which were propounded to you by Prime  
10 Minister TOJO. You mention steel, imports from India-  
11 China, and you say the prospect of imports of petroleum  
12 from America were anything but bright and that synthetic  
13 petroleum could not meet the urgent needs.

14 Now, all I want you to tell me is; what were  
15 these urgent needs that could not be met?

16 A By that I meant that we already looked upon  
17 the severance of diplomatic relations with America as a  
18 possibility, the situation was that tense. Under those  
19 circumstances, by the manufacture of synthetic oil alone  
20 we would not be able to establish a feeling of real  
21 safety in regard to our national defense.

22 Q But if you were able to seize the southern  
23 areas, you tell us you could increase the supply of  
24 petroleum from 300,000 tons in the first year to 2,000,000  
25 tons in the second year.



1       A   That was not the result of an investigation  
2 carried out by the Planning Board itself. I was  
3 merely stating the result of a joint investigation by  
4 the Army and the Navy on this matter at the liaison  
5 conference.

6       Q   I thought that they made an estimate and you  
7 reported it to the Prime Minister and the Cabinet?

8       A   When I was ordered to make this investigation  
9 or study, I gathered together all the officials of the  
10 various ministries connected with the mobilization of  
11 materials and ordered them to conduct studies. The  
12 Planning Board, however, and the other government offices  
13 were not able to touch upon the problem of oil, except  
14 domestic production and consumption and civilian supplies

15       Q   All right. Now, turning our attention to page  
16 26 of your affidavit at the top, you make mention of  
17 the Imperial Conference of November 5th which you say  
18 "decided to withdraw the armed forces from China to  
19 make the negotiation successful."

20       Now, there were certain qualifications attaching  
21 to that withdrawal, were there not?

22       A   I did hear that such a decision had been reached,  
23 but it was also my understanding that in case the  
24 negotiations with America were successfully concluded  
25 those conditions could be changed.



1 THE INTERPRETER: "If my memory is not mistaken,  
2 it was also decided that, depending on the progress  
3 of the Japanese-American negotiations, those conditions  
4 could be changed."

5 Q All I am trying to get you to say, General  
6 SUZUKI, is that the withdrawal of the armed forces from  
7 China and the withdrawal of the armed forces in Southern  
8 Indo-China, to which you make reference, were in neither  
9 case without serious reservation.

10 A My understanding is -- my recollection is that,  
11 since Japan was offering to withdraw her troops from  
12 these areas, Japan also desired America to accept some  
13 of her requests.  
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1 Q When was Japan willing to withdraw these  
2 troops according to the decision of the Imperial  
3 Conference?

4 A The greatest stumbling block in the negotia-  
5 tions our country was conducting with America was,  
6 first, the question of the withdrawal of our troops  
7 from Southern Indo-China and, second, the question of  
8 the withdrawal of our troops from China. Once that  
9 basic principle had been decided on, then the other  
10 matters could be solved according to the progress of  
11 future negotiations -- the other details were to be  
12 decided in the course of the negotiations.

13 Q All I want you to tell me, General SUZUKI,  
14 is that as a result of the Imperial Conference on the  
15 5th of November and the decision reached there, there  
16 would be no withdrawal of troops until peace between  
17 China and Japan had been come to.

18 A Well, I think that peace and the withdrawal  
19 of troops are the same problem -- are one and the same  
20 thing.

21 Q You say on page 28 that you were told about  
22 the ultimatum, or what virtually constituted an ultima-  
23 tum, and that you could not but sense that war with  
24 America might be unavoidable; and at page 43 you say,  
25 "we were placed in a situation liable to be militarily



1 attacked at any moment." Now, where did you expect  
2 to be attacked?

3 A We didn't know where but at the time our  
4 national economy had already been severely disrupted  
5 and we were in difficult circumstances. At that time,  
6 hearing that we had been given an ultimatum, I felt  
7 that we couldn't be sure when we would be attacked.

8 Q But you were sure when hostilities were to be  
9 opened by Japan against the United States, were you not?

10 A No, I didn't.

11 Q You knew the day that hostilities would  
12 commence?

13 A No, I didn't.

14 Q You knew the place where they would commence?

15 A No.

16 Q You knew that the time for opening of the  
17 hostilities was fixed for the 8th of December, didn't  
18 you?

19 A No, I didn't.

20 Q And did you suggest that no notification  
21 should be sent to the United States of this impending  
22 attack?

23 A No, I didn't; absolutely not.

24 Q When did the task force sail for Pearl Harbor?

25 A I knew nothing about it.



1 Q When did you first learn of it?

2 A That was after the conclusion of the war.  
3 I think it was at Omori or some other prison when I  
4 met the Navy Minister that he told me about it.

5 Q Told you about what?

6 A I recall that he said something to the  
7 effect that the fleet had sailed one or two weeks be-  
8 fore the commencement of hostilities, but I am not  
9 too sure as to what he actually said.

10 Q When did you first hear of the attack on  
11 Pearl Harbor?

12 A The first time I learned of it was on the  
13 morning of December 8. I had gone to the Cabinet  
14 to attend a Cabinet meeting and was there told by  
15 the chief secretary of the Cabinet.

16 Q Now, this final note that was sent to the  
17 United States was signed by all ministers of state  
18 including yourself?

19 A The note sent to America?

20 Q Yes.

21 A No, most of the Cabinet members had nothing  
22 to do with that. I had nothing to do with it myself.

23 Q Do you mean to say that it was not discussed  
24 in your presence?

25 A This matter was not discussed at any liaison



1 conference or cabinet meeting which I attended.

2 Q So you didn't know that it had been sent?

3 A I knew nothing about the fact that-- I  
4 never knew about any note being sent such as I heard  
5 of later.

6 Q Then it is your evidence here that you did  
7 not sign it, you did not discuss it either at a liaison  
8 conference or at cabinet, and you did not know its  
9 contents until after it was delivered?

10 A That is what I wish to say.

11 Q All right. Now, there has been a lot of  
12 evidence given in this case about the note to the  
13 United States. Now perhaps you will tell me what  
14 took place with respect to a note to the United  
15 Kingdom--Great Britain?

16 A Once the decision that war was unavoidable  
17 had been reached, all these more or less technical  
18 matters were left up to the Foreign Minister to do on  
19 his own responsibility in such a way that all proceed-  
20 ings would be in accordance with international law  
21 and, therefore, I did not have much interest in these  
22 matters; and, therefore, I felt that even to the  
23 United Kingdom a note would be naturally sent, and if  
24 such a note were not sent there would be ample reason  
25 why it was not. Therefore, I did not concern myself



1 with it.

2 Q All right, there was no note sent. Why  
3 wasn't it sent?

4 A I don't know why.

5 Q Did you inquire?

6 A I don't know. I recall very faintly that  
7 after the outbreak of the war this whole matter  
8 came up for discussion and the Foreign Minister then  
9 explained that since Great Britain was one with the  
10 United States there was no necessity to send such a  
11 note because the note would automatically be made  
12 known to Great Britain.

13 Q General SUZUKI, you knew that Great Britain  
14 was a sovereign state, did you?

15 A Yes.

16 Q And you knew that Great Britain had an  
17 ambassador in Tokyo and Japan had an ambassador in  
18 London, didn't you?

19 A Yes.

20 Q You know that ambassadors are the usual  
21 channels for communication between nations and you  
22 know that nothing was done in this country to warn  
23 Great Britain of an impending attack upon her territory?

24 A As I told you at the time I had no interest  
25 whatsoever in such matters and I didn't concern myself



1 with it. However, after having heard all the evidence  
2 that has been presented on this matter before this  
3 Tribunal, I feel that if I had, that from my own  
4 point of view I would certainly have sent such a note.

5 THE PRESIDENT: We will adjourn until half-  
6 past one.

7 (Whereupon, at 1200, a recess was  
8 taken.)  
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SUZUKI

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Brigadier Nolan.

BRIGADIER NOLAN: May it please the Tribunal.  
There are a very few remaining matters to be taken up.

- - -

TEIICHI SUZUKI, an accused, resumed the  
stand and testified through Japanese interpreters  
as follows:

CROSS-EXAMINATION

BY BRIGADIER NOLAN (Continued):

Q General SUZUKI, in your affidavit, on page 29,  
you say that economically Japan had not surely been  
prepared for war with America and Britain prior to the  
first of December 1941. You are not suggesting by that  
statement that this country's preparation for war took  
place in the succeeding seven days, are you?

A No.

Q On page 43 of your affidavit you make reference  
to the Greater East Asia Ministry. I suggest to you  
that the idea of that ministry which was formed in 1942  
was to apply the same methods to the area comprising



1 Greater East Asia as had been applied to China thereto-  
2 fore by the China Affairs Board?

3 A I do not think it was necessarily so. After  
4 the establishment of the Nanking Government the China  
5 Affairs Board was abandoned, and the plan that was  
6 under study was to conduct affairs vis-a-vis China  
7 through the ambassador dispatched by the Foreign Minis-  
8 try. And it is my understanding that the Ministry  
9 for Greater East Asiatic Affairs was established after  
10 the outbreak of war for the purpose of handling various  
11 economic matters in the occupied areas -- economic and  
12 other matters.

13 Q In other words, it was being used to exploit  
14 the natural resources of those areas?

15 A Yes, that was one of the main tasks.

16 Q Now, on the same page, 43, you make reference  
17 to a prosecution exhibit in the case, 1971-A, and you  
18 point out that the Planning Board had not the slightest  
19 authority concerning the treatment of prisoners of war.  
20 I suggest to you that the Planning Board had authority  
21 concerning the employment of prisoners of war.

22 A No.

23 Q The Planning Board had authority and was con-  
24 cerned with the supply and demand of labor in Japan?

25 A Yes.



1 Q And that supply was supplemented by prisoner  
2 of war labor?

3 A In part that labor power was supplemented  
4 by prisoners of war. But in connection with the actual  
5 business of supplementation or the internment or deten-  
6 tion of prisoners of war the Planning Board had noth-  
7 ing -- had no power whatsoever -- had no connection  
8 whatsoever.

9 Q It was the Planning Board which directed  
10 where this supplementary prisoner of war labor would  
11 be utilized?

12 A No, the Planning Board has never issued such  
13 a directive.

14 Q The Planning Board said, for example, that  
15 they required prisoners of war for stevedoring pur-  
16 poses, did it not?

17 A The Planning Board has not even once ever  
18 supplied such prisoner of war labor. The demands came  
19 from the various ministries which actually had some-  
20 thing to do with such matters, such as the Ministry  
21 for Commerce and Industry, the Ministry of Railways,  
22 and the Ministry of Communications, which consulted  
23 the War Department in such matters.

24 THE MONITOR: The first portion should read  
25 as follows: The Planning Board not even once did



request for such labors.

1           Q     The Planning Board made a request for such  
2 prisoner of war labor by reason of the requirements  
3 of some of the Ministries of State?

4           A     No.

5           Q     And one of those requirements which came to  
6 the attention of the Planning Board was labor required  
7 for stevedoring purposes?

8           A     Such matters were never brought to the atten-  
9 tion of the Planning Board. The various ministries  
10 concerned notified the Welfare Ministry as well as the  
11 Planning Board of the number of laborers available from  
12 the general labor supply after the prisoners of war had  
13 been deducted.  
14

15          Q     Though the fact remains that prisoners of  
16 war in this country were used for stevedoring to speed  
17 up the transportation of war materials?

18          A     Not limited to the transportation of muni-  
19 tions alone, but I think prisoners of war labor was  
20 utilized for the purpose generally to facilitate trans-  
21 portation in general -- as a whole.

22          Q     Which included the transportation of materials  
23 of war?

24          A     I do not know in detail whether prisoners of  
25 war labor was included or not.



1 Q You saw prisoners of war working as stevedores,  
2 didn't you?

3 A No, I have never seen them.

4 Q Have you seen prisoners of war working in  
5 Japan at all?

6 A Yes, I saw them once at a coal mine in  
7 Kyushu.

8 Q Now, you tell us on page 29 of your affidavit,  
9 or rather 30, that you left the cabinet as well as  
10 the post of President of the Planning Board on the  
11 8th of October, 1943. Now --

12 THE PRESIDENT: First of October. I don't  
13 suppose it matters much.

14 BRIGADIER NOLAN: There was an error there.  
15 It should be the 8th of October 1943, your Honor.

16 Q (Continuing) Before that, in April 1943,  
17 you were appointed administrative inspector?

18 A Yes.

19 Q What were your duties?

20 A The duties of the administrative inspector  
21 was to see to it that production increases were made  
22 by inspecting the various factories and conditions in  
23 these various factories and to take steps to up produc-  
24 tion.  
25

Q In December of 1943 you were appointed a



Cabinet Councillar.

1           A   Not Cabinet Councillor. About one or two months  
2 after I left the cabinet I was appointed Economic  
3 Adviser to the Cabinet.  
4

5           Q   And you weren't appointed a Cabinet Councillor  
6 or Cabinet Adviser to advise on economic problems in  
7 December, 1943?

8           A   Economic Adviser.

9           Q   All right. And in September, 1944, you were  
10 appointed Chief of the Great Nippon Industry Patriotic  
11 Association.

12          A   Yes.

13          Q   Now, General SUZUKI, you have told us in the  
14 course of this affidavit that you deplored the China  
15 Incident, that many features of the government and the  
16 High Command carried out by the China Affairs Board  
17 were diametrically opposed to your ideas on China. You  
18 voiced the view that the move into southern French Indo-  
19 China would be a serious matter, and you strongly  
20 opposed the conclusion of the Tripartite Pact, and you  
21 were convinced that Japan should keep on friendly terms  
22 with Great Britain and the U.S.A.  
23

24               Now, is there any single instance where, because  
25 of your opposing views, you voluntarily resigned your  
office and refused to carry out the program and policy



SUZUKI

CROSS

35,324

1 of your particular department?

2 A At that time I did express my own views and  
3 opinions to my superiors, but it has always been my  
4 way of service to my superiors not -- to entrust all  
5 matters of decision to my superiors and not to press  
6 my own -- to unnecessarily impress my views on them.

7 THE INTERPRETER: Correction, the latter part:  
8 It has always been my way of service to entrust matters  
9 of decision to my superiors and not to press my own  
10 views upon them.

11 BRIGADIER NOLAN: Which is all I have to ask  
12 by way of cross-examination.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please, I have a  
15 few questions on cross-examination based on the cross-  
16 examination of Brigadier Nolan.

17 THE PRESIDENT: On behalf of the accused KIDO,  
18 I take it.

19 MR. LOGAN: I beg your pardon?

20 THE PRESIDENT: On behalf of the accused KIDO?

21 MR. LOGAN: KIDO.  
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## CROSS-EXAMINATION (Continued)

BY MR. LOGAN:

1 Q General, you were asked these questions and  
2 gave these answers this morning:

3 "Q At the time of the fall of the Third KONOYE  
4 Cabinet, around that time, you went in to see the accused  
5 KIDO and did you tell him the Army wanted war?

6 "A It is not my recollection.

7 "Q And did you tell him that the only way to  
8 suppress the attitude of the Army was to have the Emperor  
9 state that he didn't want a war?

10 "A I remember that.

11 "Q And do you remember that the accused KIDO did  
12 not agree with your views?

13 "A I remember."

14 Are those answers that you gave correct?

15 A I think my explanations were insufficient.

16 Q Well, let me ask you first, when is this con-  
17 versation supposed to have taken place?

18 A I think on the night of October 13th.

19 Q Where?

20 A I think it was at the home, the home of Marquis  
21 KIDO.  
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1 Q Now, will you tell us exactly what you said  
2 to him and what he said to you?

3 A I told him about the matters discussed at  
4 the Ogikubo talks on the 12th, and told Marquis KIDO  
5 that since matters have come to this state it seemed  
6 advisable to request His Majesty for his influence to  
7 prevent going to war -- and that alone will be the  
8 solution. To this -- my recollection as to Marquis  
9 KIDO's reply is this: He said that perhaps in the  
10 final analysis it may be necessary to petition His  
11 Majesty for his influence, but that it was not yet the  
12 proper time.

13 Q And you didn't make the suggestion to him  
14 that he petition the Emperor as suggested to you by  
15 the prosecution in the question?

16 A Yes.

17 Q By "yes" you mean that you did not make the  
18 suggestion to him?

19 A Yes, I suggested to him.

20 Q Now, General, you have stated in your affi-  
21 davit that you were a messenger boy between KONOYE and  
22 KIDO, KONOYE and TOJO, and TOJO and KIDO. Now, from  
23 whom did you get that suggestion, KONOYE or TOJO?

24 A What do you mean?

25 Q The suggestion to petition the Emperor, as



1 suggested to you by the prosecution in their question.

2 A I spoke of this idea of mine to Prince  
3 KONOYE after the Ogikubo talks.

4 Q You suggested to Prince KONOYE that the  
5 Emperor be consulted and to have the Emperor state  
6 that he didn't want a war?

7 A Yes, I told this to Prince KONOYE.

8 Q Do you know if Prince KONOYE ever told the  
9 Emperor that?

10 A That I do not know.

11 Q And did KONOYE tell you to bring this mes-  
12 sage to KIDO?

13 A No, Prince KONOYE said that before doing  
14 this it would be necessary to obtain the agreement of  
15 the three ministers, namely, the Minister of War, the  
16 Minister of the Navy, and the Minister of Foreign  
17 Affairs, and that if such agreement were obtained it  
18 would be no matter at all to petition the Emperor, and  
19 thereupon asked me, first of all, to ask General TOJO  
20 for his opinion.

21 Q And the idea of approaching the Emperor and  
22 telling him that the only way to suppress the attitude  
23 of the army was to have the Emperor state that he  
24 didn't want a war, did that originally come from you?  
25

A Well, I do not know whether the idea



1 originated with me or elsewhere, but my idea at first  
2 was to have His Majesty scrap the decision of September  
3 6th and all I did was to propose that idea.

4 Q Well, that was a different idea from what  
5 was suggested in the question of the prosecution, and  
6 I repeat it to you again, that the prosecution's ques-  
7 tion was, "And did you tell him," meaning KIDO, "that  
8 the only way to suppress the attitude of the army was  
9 to have the Emperor state he didn't want a war?" That  
10 is a different idea, isn't it?

11 A It was this way. After the matter which I  
12 have already explained was brought up and the War  
13 Minister said that that would be a difficult thing, then  
14 I met Marquis KIDO and spoke of the matter to which you  
15 have just referred.

16 THE INTERPRETER: Slight correction. The  
17 way in which the matter occurred was as follows: After  
18 the talk to which I have already referred took place  
19 and after meeting the War Minister, it was found that  
20 the matter was difficult, then, and thereafter I spoke  
21 to Marquis KIDO about the matter to which you have just  
22 referred.

23 Q Well, did you speak to the Navy Minister, too,  
24 pursuant to the suggestion of Prince KONOYE?  
25

A No, I did not go to see him.



1 Q Did KONOYE actually tell you to take this  
2 matter up with Marquis KIDO?

3 A Well, I did not hear anything about the talk  
4 with KIDO. That, he did not say.

5 Q Well, when you finally had this talk with  
6 Marquis KIDO and you say that he said the time was not  
7 opportune, did he give any reasons why the time was  
8 not opportune?

9 A No, he did not explain, but it had always  
10 been Marquis KIDO's view that His Majesty should not  
11 voice his opinions on political matters and that His  
12 Majesty relied, placed his reliance upon the Prime  
13 Minister, and that therefore that course should be  
14 taken. That was Marquis KIDO's views.

15 THE MONITOR: Slight correction: He did not  
16 explain, but Marquis KIDO had always thought that  
17 in as much as His Majesty did not desire to voice his  
18 opinions on political affairs and relied on the Prime  
19 Minister that course should be taken.  
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1 Q What is your view on that? Do you think that  
2 this was a matter for the Prime Minister to take up  
3 with the Emperor, or that of Marquis KIDO?

4 A While asking the Prime Minister on the one  
5 hand, it had always been my belief that at the same  
6 time it was necessary that one who was very close to  
7 His Majesty should also have the understanding.

8 THE INTERPRETER: A slight correction: One  
9 who was a close adviser to the Emperor should also be  
10 informed.

11 Q But that does not answer the question,  
12 General. Whose duty was it to take this matter up with  
13 the Emperor: Marquis KIDO's, or the Prime Minister's?

14 A It was the Prime Minister's duty, and in  
15 case His Majesty was to make any such expression, it  
16 was also the responsibility, as I thought, of the Lord  
17 Keeper of the Privy Seal.

18 Q You mean it was the Prime Minister's duty  
19 to take the matter up with the Emperor, and it was also  
20 part of the Lord Keeper's duties to keep himself informed  
21 in case the Emperor should ask him about it? Isn't  
22 that the proper way of expressing it?

23 A In so far as the Prime Minister is concerned,  
24 that is correct. But it is my idea that whenever such  
25 an important question as that is brought up, it was



1 the responsibility of the Lord Keeper of the Privy Seal  
2 to have with him such advice as would be decisive in  
3 case an inquiry was put to him by His Majesty.

4 Q Now, General, there was also included in  
5 this question of the prosecution about suppressing  
6 the attitude of the army. Now, what was the attitude  
7 of the army on April 13, 1941?

8 If I said April 13, I meant October 13, 1941.

9 A From the general information at that time  
10 which came to my attention, as well as what I learned  
11 from Prime Minister KONOYE, himself, it was that atmos-  
12 phere centering around the General Staff Headquarters  
13 was strongly in favor of dropping negotiations with  
14 the United States and declaration of war against the  
15 United States.

16 Q As a matter of fact, General, isn't it true  
17 that at that time, and that very day, October 13,  
18 1941, that the situation was so critical that the  
19 Emperor was even thinking ahead about an Imperial  
20 rescript in case war should be declared any day?

21 A I know absolutely nothing about that.

22 Q Well, isn't it a fact that the situation  
23 really was critical at that time?

24 A My feeling at that time was that the time  
25 had not come for any final decision whether war should



be declared or should not.

1 Q Incidentally, General, is there anything to  
2 prevent any of the ministers of the state at that time  
3 or any other time of approaching the Emperor and sug-  
4 gesting to him that the army could be suppressed if  
5 the Emperor stated he didn't want a war?  
6

7 A Unless it be the Prime Minister or the War  
8 or Navy Ministers, it cannot possibly be believed that  
9 any other minister could have done that.

10 Q And it would be more properly their function  
11 rather than that of the Lord Keeper of the Privy Seal,  
12 because he would be interfering in political matters,  
13 isn't that true?

14 A Yes, as far as channel is concerned, as you say.

15 Q Thank you, General.

16 THE PRESIDENT: Major Blakeney.

17 CROSS-EXAMINATION (Continued)

18 BY MR. BLAKENEY:

19 Q Did you attend all of the liaison conferences  
20 between the first of December and the outbreak of the  
21 Pacific War?

22 A No, I have no recollection.

23 THE PRESIDENT: For TOGO?

24 MR. BLAKENEY: Yes, your Honor, on behalf of  
25 Mr. TOGO.



1           A     (Continuing) Well, I am quite uncertain,  
2 myself. There may be some that I attended, and some  
3 from which I was absent.

4           Q     Thank you.

5           MR. TAKANO: My name is TAKANO, counsel for  
6 the accused KAYA. May I be permitted to ask two or  
7 three questions in cross-examination?

8           THE PRESIDENT: For the accused -- I did not  
9 catch the name.

10          MR. TAKANO: The accused KAYA.

11          THE PRESIDENT: How is he concerned? Of  
12 course, I was not here last week, but I recollect  
13 nothing that involved KAYA. I did read the record.

14          MR. TAKANO: KAYA was president of the North  
15 China Development Company. On Friday last, Brigadier  
16 Nolan, in the course of his cross-examination of the  
17 present witness, asked whether the China Affairs Board  
18 did not handle matters relating to the economy, indus-  
19 try and transportation of China through the North  
20 China Development Company and the Central China Develop-  
21 ment Company. To this question by the prosecutor, the  
22 accused SUZUKI, now in the witness box, simply answered  
23 yes, and that is why I should like to ask one or two  
24 or three questions of this witness with regard to the  
25 scope of the activities of the North China Development



1 Company.

2 THE PRESIDENT: But he has said nothing to  
3 the prejudice of KAYA in that simple answer, "Yes," as  
4 far as I can discover.

5 MR. TAKANO: The accused KAYA, for a certain  
6 period of time, was president of the North China Develop-  
7 ment Company.

8 THE PRESIDENT: Well, you have said that.  
9 However, you are not contesting the truth of the answer,  
10 but you want elaboration of it, not elucidation, and I  
11 do not think that comes in the scope of cross-examination.

12 To justify cross-examination of this witness  
13 on behalf of KAYA, you must satisfy us that this witness  
14 said something hostile to or implied something hostile  
15 to KAYA. Cross-examination is not permitted as a matter  
16 of grace; there must be need for it.

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1 MR. TAKANO: Perhaps because of the incorrect-  
2 ness or insufficiency of my statement I have invited  
3 some misunderstanding. I wish to state that by  
4 SUZUKI's simple answer "Yes," it seems to imply that  
5 the North China Development Company had participated  
6 in all spheres of economic activities in China --  
7 economic, industrial, and in the field of transporta-  
8 tion. Actually speaking, the North China Development  
9 Company, of which KAYA was President, functioned in  
10 accordance with law and engaged in only those functions  
11 as were determined by the provisions of law, such as  
12 making investments or supplying capital.

13 THE PRESIDENT: I take it you are referring  
14 to evidence already given, but you cannot give it. I  
15 think we must terminate this discussion. You have  
16 failed to disclose any ground for cross-examination.

17 MR. TAKANO: May I be permitted, your Honor,  
18 to say just one more word? By the simple answer  
19 "Yes" of this witness, it appears that the actual work  
20 of the North China Development Company, as well as  
21 that of the China Affairs Board in China, was an  
22 extremely expensive one covering all spheres of  
23 activities, and that is why I thought that I might be  
24 given permission to ask this witness by way of cross-  
25 examination one or two questions to clarify this



1 matter.

2 THE INTERPRETER: Insert "President" of the  
3 North China Development Company.

4 THE PRESIDENT: The application is refused  
5 with one dissentient.

6 MR. TAKAHASHI: I am counsel TAKAHASHI on  
7 behalf of the accused SHILADA. May I be permitted  
8 to ask just one question of this witness?

9 CROSS-EXAMINATION (Continued)

10 BY MR. TAKAHASHI:

11 Q Mr. Witness, I ask you whether, at any of  
12 the Liaison Conferences you attended during the time  
13 of the TOJO Cabinet, the Minister of the Navy sug-  
14 gested anything with regard to an attack on the  
15 United States without warning. I want to ask you  
16 whether the Navy Minister at any time, at any of  
17 these conferences that you attended, proposed or did  
18 not propose an attack without warning.

19 INTERPRETER: Instead of "Navy Minister,"  
20 the "Navy side."

21 THE PRESIDENT: How does that arise out of  
22 any cross-examination? This is redirect, I take it,  
23 on your part. And what has this witness said that  
24 justifies such a question?  
25

MR. TAKAHASHI: I am trying to conduct this



1 cross-examination because it has a very important  
2 bearing on the case of my client, because this witness  
3 has not stated clearly whether or not there was a  
4 contention presented at the Liaison Conference at-  
5 tended by this witness with regard to an attack with-  
6 out previous warning.

7 THE MONITOR: "Advocated by the Navy. "

8 THE PRESIDENT: Well, you are in the same  
9 position as the accused KAYA's counsel. Nothing  
10 hostile has been said or implied. You have no right  
11 to cross-examine.

12 MR. TAKAHASHI: Then I withdraw.

13 THE PRESIDENT: Mr. Levin.

14 MR. LEVIN: Mr. President, I have a few  
15 questions to ask on redirect examination.  
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## REDIRECT EXAMINATION

1  
2 BY MR. LEVIN:

3 Q On Friday you stated, record page 35,256,  
4 that in 1933 you met with Mr. Hwang Fu in Peking. With  
5 what party was he affiliated?

6 A Hwang Fu was a senior of Chiang Kai-shek,  
7 with whom he was on very intimate terms of friendship.

8 Q Do you remember your conversation with him  
9 at that time, and, if you do, will you state briefly  
10 what it was?

11 A Yes, I remember it generally.

12 The main subject of the discussion between  
13 Hwang Fu and me was around the question how to restore  
14 the relations between Japan and China, which had been  
15 very much aggravated as a result of the Manchurian  
16 Incident. Whereupon, in the course of the discussion,  
17 Mr. Hwang Fu indicated that there were three points  
18 around which Japan and China should make efforts for  
19 the restoration of their relations, emphasizing that  
20 if these three points were carried out, that that was  
21 possible.  
22

23 The first question was not to take up the  
24 Manchurian problem until the feelings in both countries  
25 had cooled off. The second point which Mr. Hwang in-  
sisted upon was that Japan should not seek a special



1 status -- economic status in China proper but should  
2 engage in economic activities on equal terms with the  
3 Powers. And, third, he proposed that the common aim  
4 of Sino-Japanese relations should be placed in anti-  
5 communism, and I expressed to him my whole-hearted  
6 approval of his suggestion.

7 Q Did you report Mr. Hwang Fu's opinion to your  
8 superior after your return to Tokyo?

9 A Yes, I did.

10 Q And, were you asked your opinion about North  
11 China?

12 A Yes.

13 Q And, what did you state to your superior?

14 A Mr. Hwang Fu, a man who understood Japan very  
15 well, was not only on terms of intimate relationship  
16 with Chiang Kai-shek, but he also was chairman of the  
17 Political Council there, and in addition to that,  
18 General Ho Ying-ching was chairman of the branch in  
19 Peking of the Military Council. And, so, in the light  
20 of this situation, I expressed my opinions to my  
21 superiors that we should undertake to settle the various  
22 local issues in North China by relying upon and trust-  
23 ing these various North China organs of the Chinese  
24 and in co-operation with the Chinese.

25 THE PRESIDENT: We will recess for fifteen



1 minutes.

2 (Whereupon, at 1445, a recess was  
3 taken until 1500, after which the proceed-  
4 ings were resumed as follows:)

5 - - -

6 MARSHAL OF THE COURT: The International  
7 Military Tribunal for the Far East is now resumed.

8 THE PRESIDENT: Mr. Levin.

9 BY MR. LEVIN (Continued):

10 Q Now, General, will you state whether or not  
11 your opinion was adopted?

12 A At that time not all of my opinions were  
13 accepted.

14 Q Do you know the reasons for the rejection of a  
15 portion of them?

16 A As a result of the Manchurian Incident there  
17 was in the army a feeling of contempt for the Kuomin-  
18 tang, and furthermore, perhaps because of the fact that  
19 I was only a lieutenant colonel, my views did not carry  
20 weight, and I was not therefore -- not much confidence  
21 was placed in me.

22 Q Was there a Lieutenant Colonel SUZUKI other  
23 than you in the War Ministry about 1933?

24 A Yes.  
25



1 Q And was there a Lieutenant Colonel SUZUKI in  
2 the General Staff Office at about 1933?

3 A Yes.

4 Q What, if anything, further can you state in  
5 relation to the 1941 mobilization plan not being directed  
6 against war with the United States?

7 A National defense, generally speaking, was con-  
8 sidered, but nothing specific, such as any possible con-  
9 flict with the United States or Great Britain, was ever  
10 considered. At that time, under the mobilization plan,  
11 the major weight was placed upon operations then being  
12 conducted on the continent in which the consumption of  
13 materials by the army was great, and because the alloca-  
14 tions to the army had been suspended --

15 Correction: In comparison with the amount of  
16 materials allocated to the army, the allocation of  
17 materials to the navy for the possible conduct of oceanic  
18 operations was very small, especially the allocation of  
19 steel to maritime endeavors such, for instance, as it  
20 was hardly different from the allocation given in peace-  
21 time, or under normal peacetime situations. And it was  
22 only after the decision for war had been made that special  
23 allocations of steel had been made to the shipbuilding  
24 industry.  
25

MR. LEVIN: This concludes the presentation of



1 evidence on behalf of General SUZUKI. I request that he  
2 be returned to the dock.

3 THE PRESIDENT: The witness will resume his  
4 place in the dock.

5 (Whereupon, the witness left the  
6 stand and took his place in the dock.)

7 THE PRESIDENT: Major Blakeney.

8 MR. BLAKENEY: I now open the evidence on be-  
9 half of TOGO, Shigenori. We have chosen so far as  
10 possible to present it, for the Tribunal's greater con-  
11 venience, under a few general divisions: Connection  
12 with German affairs, and with Russian; British and  
13 American relations and the Pacific War; wartime diplomac;  
14 the ending of the war. The division will be very im-  
15 perfect, since a witness often testifies to a diversity  
16 of matters. As to each of these heads, evidence will  
17 be offered to establish substantially the following state  
18 of facts:

19 Toward Japanese-German relations Mr. TOGO's  
20 attitude was always that they should not be such as to  
21 damage Japan's relations with other countries, specifical  
22 the USSR, the United States and the British Empire. Un-  
23 sympathetic to the Anti-Comintern Pact from its concep-  
24 tion, and laboring to weaken and soften it; so obstinate-  
25 ly opposed to a Tripartite alliance that for his



1 opposition he was transferred from his Ambassadorship in  
2 Berlin; he was the Cassandra of the Nazi decade.

3         With the Soviet Union he always maintained that  
4 cordial relations was of prime importance; and the acci-  
5 dent of his career gave him opportunity to see carried  
6 out almost completely the policy which he early formulated  
7 and for which he unceasingly worked. He successfully  
8 managed the negotiations for the sale to Manchukuo of  
9 the Soviet interest in the Chinese Eastern Railway; he  
10 attained, for the first time in the history of Soviet-  
11 Japanese relations, a beginning of border-demarcation;  
12 and his work as Ambassador in Moscow had all but resulted  
13 in the conclusion of a non-aggression pact when he was  
14 recalled. Throughout the Pacific War, when he was in  
15 office, he stressed the cardinal importance of maintain-  
16 ing the Soviet-Japanese peace and friendly relations.

18         With British and American affairs Mr. TOGO had  
19 little direct connection prior to becoming Foreign  
20 Minister in October 1941. When he had opportunity, he  
21 worked for improvement of those relations -- he had for  
22 example persuaded the authorities to negotiate for an  
23 agreement with Britain concurrently with execution of  
24 the Anti-Comintern Pact; he had opposed the Japanese  
25 Navy's stand on naval disarmament as likely to impair  
good relations with America and Britain; and he became



1 Foreign Minister with the hope of salvaging those wrecked  
2 relations. Concerning his connection with the Pacific  
3 War through his service in the TOJO Cabinet -- which may  
4 readily be conceived to be intended as the gravamen of  
5 the charge against Mr. TOGO here -- it will appear that,  
6 being in no governmental position, he was called upon  
7 by the new Premier whom he knew but casually to accept  
8 the post of Foreign Minister. This post he accepted  
9 only after having obtained the unequivocal commitment  
10 that the new cabinet would work sincerely for the success  
11 of the Japanese-American negotiations, and that the army  
12 would acquiesce. Thereafter he labored under conditions  
13 of extreme difficulty at a double task: on the one hand  
14 attempting to save the Japanese-American negotiations  
15 and relations, long since strained almost irretrievably;  
16 on the other, persuading the military High Commands, in  
17 the Liaison Conference where the matter was managed and  
18 where their voice was predominant, to permit him to make  
19 the attempt.

20           It proved an impossible task. The United States,  
21 unwilling to accept the concessions which it had been  
22 possible to make, served in the form of its note of 26  
23 November what all Japanese concerned regarded as an ul-  
24 timatum. The choice was between surrender of the national  
25 position as a power, perhaps endangering the national



1 existence, and war in self-defense. That was the choice;  
2 and it was no choice. War was decided upon; Foreign  
3 Minister TOGO, having opposed war to the last, was com-  
4 pelled to agree that arms must be taken up in self-  
5 defense.

6 When the question arose of the formalities for  
7 commencement of war, Mr. TOGO again had to overcome High  
8 Command opposition, to insist that the usual procedure  
9 of notification be followed. He was authorized by the  
10 Liaison Conference to serve upon the United States Govern-  
11 ment a notification of termination of negotiations.  
12 The question of the time for serving it was settled by  
13 the High Commands, who assured the Foreign Minister that  
14 the time proposed would allow a sufficient interval be-  
15 fore the initiation of hostilities. It was thus agreed,  
16 and orders went out for notification in Washington at  
17 1:00 P. M. of 7 December; through mismanagement in  
18 Washington, however, the notice was in fact served more  
19 than an hour late, and well after the attacks on American  
20 and British territories were under way.

21 With war in progress, there was little for  
22 diplomacy to do; from that little, much was subtracted  
23 by creation of the Greater East Asia Ministry. As a re-  
24 sult of differences of opinion on this and other basic  
25 policies, Foreign Minister TOGO resigned from the cabinet



1 on 1 September 1942, less than eleven months after enter-  
2 ing it. Already before that he had been planning how to  
3 bring about an end to the war. The opportunity came  
4 when in April 1945 he was recalled from retirement by  
5 the Premier-Designate, Admiral SUZUKI, and was again  
6 offered the foreign affairs portfolio -- and again he im-  
7 posed conditions, this time, that the cabinet should be  
8 the one to end the war. His efforts throughout the short  
9 life of the SUZUKI Cabinet were devoted to that end,  
10 which was achieved primarily through those efforts on  
11 15 August 1945.

12 It is submitted that this proof will demonstrate  
13 that the role of TOGO, Shigenori, so far from being that  
14 of a conspirator for aggression, has throughout his  
15 career been that of opposition to militarism and to the  
16 consequences which he foresaw would result from it.  
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THE PRESIDENT: Mr. Chief of Counsel.

1 MR. KEENAN: May it please the Court, for  
2 the purpose of assisting the Tribunal in carrying  
3 out Article 12, paragraph (a) of the Charter, that  
4 part of it as follows: "... to confine the trial  
5 strictly to an expeditious hearing of the issues  
6 raised by the charges," the prosecution desires to  
7 state at this stage that, subject to the following  
8 reservation, it seeks conviction of the accused TOGO  
9 for his actions beginning with his assumption of  
10 duties in the TOJO Cabinet.  
11

12 This is not in any manner an abandonment of  
13 any charge of his joining at such date in any con-  
14 spiracy described in the Indictment, commencing at a  
15 previous date. The reservation above referred to per-  
16 tains to his conduct as Ambassador to the USSR in  
17 1939 and whatever criminal conduct may be found to  
18 exist by virtue thereof in reference to the Nomonhan  
19 Incident.  
20

21 Secondly, we desire to interrogate, if  
22 available, the accused TOGO as to his signature appear-  
23 ing upon a certain document wherein an agreement be-  
24 tween Molotov and TOGO was reached concerning the  
25 boundary line between Manchukuo and the Mongolian  
People's Republic, this agreement taking the form of



1 a map that was signed by both Mr. Molotov and Mr.  
2 TOGO after the Nomonhan Incident.

3 I make this statement at this time, Mr.  
4 President, for the purpose of saving the time of  
5 this Court and the encumbering of the record  
6 with much that might otherwise be admitted but  
7 which under this position, we contend, would make it  
8 now inadmissible and irrelevant; and I make it further  
9 because of the nature of the documents that have  
10 very lately been served upon us that give fair notice  
11 of the type of evidence that is intended to be presented  
12 to this court, which we think is irrelevant.

13 MR. BLAKENEY: I will state that this matter  
14 has been discussed between the Chief Prosecutor and  
15 me since Friday last, or, let me say, it was first  
16 discussed on Friday last and was again discussed today.  
17 However, here today in the Tribunal for the first  
18 time I hear the precise terms in which the prosecution's  
19 position is stated.

20 So far as concerns its implications and  
21 bearing on the admissibility of evidence, I suppose  
22 we can argue those points as they arise. I will there-  
23 fore proceed with my order of proof No. 1.  
24

25 I had intended calling as my first witness  
ARITA, Hachiro, but I have been today handed, too



1 late for processing, a medical certificate of his  
2 illness, which I will offer in evidence and of which  
3 I will make copies available to the prosecution.

4 I am advised by the prosecution that they  
5 concede his illness. I therefore withdraw the tender  
6 of the medical certificate, and in those circumstances  
7 I should like to offer in evidence his affidavit,  
8 which is defense document No. 1081.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document No.  
11 1081 will receive exhibit No. 3609.

12 (Whereupon, the document above re-  
13 ferred to was marked defense exhibit 3609  
14 and received in evidence.)

15 MR. BLAKENEY: I will read exhibit 3609,  
16 which, omitting the formal parts, is as follows:

17 "That I was Vice-Minister of Foreign Affairs  
18 from 10 May 1932 to 16 May 1933. As such Vice-Min-  
19 ister I examined and read in 1933 a report by TOGO,  
20 Shigenori, then Director of the European-American  
21 Bureau of the Foreign Ministry, entitled 'On the  
22 Foreign Policy of Japan vis-a-vis Europe and America  
23 Following Withdrawal from the League of Nations,'  
24 which was prepared for submission to the Foreign  
25 Minister, Count UCHIDA, Yasuya. I have been shown



1 defense document No. 146, which I find to be the docu-  
2 ment above referred to, written in the Japanese  
3 language and consisting of 96 pages, which I identify  
4 as the original report read by me at that time."

5 The document identified by the witness,  
6 defense document 146, is offered in evidence, and I  
7 must mention the fact that on the original, but not  
8 on the translation offered, appears the notification  
9 "Most Secret."

10 THE PRESIDENT: Mr. Chief of Counsel.

11 MR. KEENAN: If it please the Court, the  
12 prosecution objects to this document, which is ex-  
13 tremely voluminous and which was executed or written  
14 in the middle of April, 1933, while the accused TOGO  
15 was Chief of the European-American Bureau, Foreign  
16 Ministry. It consists of a compendium of his views  
17 on that date on relations between Japan, Europe, and  
18 America, Great Britain, France, Germany, The Nether-  
19 lands, The Soviet Union, states bordering the Soviet  
20 Union, Near Eastern, and African states, his review  
21 of the trouble between Manchukuo and the Soviet Union,  
22 which the prosecution contends has no probative value  
23 as to the offenses with which this accused is charged  
24 in the Indictment in any event, particularly in view  
25 of the position of the prosecution stated to this



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1 Tribunal a few moments ago. We have no concern what-  
2 soever with the state of mind of the accused TOGO  
3 in the year 1933, and this document could have no  
4 other probative value.  
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Greenberg &amp; Yelden

1 THE PRESIDENT: Well, do we understand it is  
2 the contention of the prosecution, or the admission  
3 of the prosecution, that he did not join in any con-  
4 spiracy before he joined the TOJO Cabinet?

5 MR. KEENAN: It is precisely that, Mr. Presi-  
6 dent, with the reservation stated as to his conduct in  
7 1933 when he was Ambassador from Japan to Russia, and  
8 with the further observation that, as a matter of law,  
9 it is our contention that he is guilty if he joined  
10 the conspiracy during October of 1941. And we believe  
11 that it is our duty to so state to this Tribunal that  
12 that is our belief and that is our concept of the  
13 guilt of TOGO or lack of guilt, and we think we should  
14 state it in the interests of preservation of time and  
15 not going into matters that, with that position, would  
16 be irrelevant to the issues.

17 THE PRESIDENT: Major Blakeney.

18 MR. BLAKENEY: Inasmuch as the ruling on  
19 this tendered evidence will have a considerable effect  
20 on about half of my order of proof, I trust I may be  
21 indulged to argue the question rather fully.

22 First, as to the voluminousness of the docu-  
23 ment, which I don't think is a proper objection to it,  
24 I will say that I propose by no means to read the  
25 entirety of it.



1 As to its probative value, I shall in a moment  
2 proceed with my prepared argument for simultaneous  
3 translation. But, before doing so, I should like to  
4 correct the characterization of this document offered  
5 by the Chief Prosecutor. It is true that he has  
6 correctly summarized its contents. But, by emphasizing the parts, he would lead the Tribunal to neglect  
7 the whole. And I point out only the title itself of  
8 the document which is "On the Foreign Policy of Japan  
9 vis-a-vis Europe and America." This is a reasoned,  
10 considered proposal of a policy for adoption by the  
11 Japanese Government. It is quite true it was prepared  
12 in 1933.  
13

14 Argument A:

15 I should suppose that there could be no ques-  
16 tion of the competence of this evidence. Prepared  
17 fourteen years ago, long before a trial or a defense  
18 was dreamed of; not for publication or propaganda use,  
19 but for the confidential information and, perchance,  
20 action of a ministry of the Government; and thus  
21 written under no necessity of dissimulation or euphe-  
22 mizing; this document may be supposed to be a completely  
23 candid exposition of its author's true intentions and  
24 ideals.  
25

Are those intentions and opinions relevant to



1 the issues here? This defendant is charged with  
2 crimes -- to wit, conspiracies -- of which an essential  
3 ingredient is the intent. This intent must in the  
4 usual course be inferred from acts and expressions.  
5 It has never been doubted that a defendant's criminal  
6 intent may be proved against him by his own statement  
7 though made long before the event; and so far as I am  
8 aware, the converse, that his innocence of purpose may be  
9 so proved, likewise is generally so held. If it be  
10 said that this defendant stands now charged with  
11 harboring criminal intent only from a much later date  
12 than that of the document now under consideration, it  
13 can be answered that, when a defendant's design is  
14 material, the existence of a prior design to the same  
15 end is evidentiary of present design, as is also evi-  
16 dence of a prior inconsistent design: the expression  
17 of a plan not to do a thing is admissible in defense  
18 to the charge of having done the thing. Mere lapse  
19 of time does not destroy the probative value of such  
20 evidence; "the length of the allowable interval," as  
21 a well-known authority says, depends "on whether,  
22 under the circumstances of the case, there is any  
23 real probability that the continuation of the condi-  
24 tion was interrupted." That there is no such real  
25 probability here will appear from evidence which I



1 propose to introduce that the design expressed in 1933  
2 in this document still existed in 1945, the end of  
3 the period covered by the charge, and existed at all  
4 times intervening. I will suggest, if I may, that a  
5 singularly apt analogy to the point now under consider-  
6 ation is that of the feelings of friendship or enmity  
7 of a defendant, though expressed long before, toward  
8 the person upon whom he is charged to have committed  
9 a homicide or a battery; to determine the presence or  
10 absence of criminal intent in such case the defendant's  
11 expressions or emotion, intent, opinion -- call it  
12 what you will -- are, I believe, generally accepted.  
13 The analogy that I suggest is that the basic question  
14 in this conspiracy charge might perhaps be stated not  
15 too fancifully as "did the defendant feel enmity or  
16 friendship for the prosecuting nations?"  
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1           The conspiracy, so far as I can gather  
2 from the statement just made by Mr. Chief Prosecutor,  
3 is still alleged to have existed and to have been  
4 entered into by Mr. TOGO at all events in 1941.  
5 Clearly under the reservations made as to the USSR,  
6 Mr. TOGO is charged with some part of the conspiracy  
7 from an earlier period, to-wit, 1939.

8           At all events, whatever the date may be,  
9 there is some reason to suppose that the Tribunal  
10 might find in the end that any member of the conspir-  
11 acy is liable for all acts performed in pursuance  
12 of it at whatever time. I don't say so. I dissent  
13 from the claim that that is the law, but the prosecu-  
14 tion has stated that it will contend that such is the  
15 law in this case and if it be, then I should think  
16 clearly the intentions and opinions of this defendant  
17 in 1933 would directly bear upon the question of his  
18 intent to commit acts at that time for which he would  
19 be responsible. And if it be not so, I should submit  
20 that the Tribunal must in the end find that the  
21 defendant TOGO did or did not enter the TOJO Cabinet  
22 with intent to commit a crime largely upon the basis  
23 of his own expressions of his intent privately made  
24 at the time, before the time and after the time. At  
25 any time where the acts are ambiguous, I submit,



1 proof of consistency and continuity of intention and  
2 expression throughout the man's life must be of  
3 probative value.

4 That is my submission, your Honors.

5 THE PRESIDENT: Mr. Chief of Counsel, it is  
6 suggested that if you are really abandoning any charges  
7 against the accused TOGO, you should indicate what  
8 they are. It is also suggested that if there is, in  
9 fact, evidence to support any charge which you might  
10 propose to abandon, this Court would not be bound by  
11 your attitude but would be itself obliged to make  
12 whatever findings were proper. I know in my own  
13 country it has been held that the court cannot control  
14 a Crown Prosecutor tendering a no true bill, but it  
15 may be held differently in other countries, in other  
16 British countries even. It is certainly a very de-  
17 batable matter -- or tendering a nolle prosequi even,  
18 which is always tendered to the court itself.

19 I think the Court would like to hear you  
20 fully on those two points, Mr. Chief of Counsel. If  
21 you wish, you may take time to prepare what you have  
22 to say. It is ten to four now.

23 MR. KEENAN: If the Court please, with  
24 reference to the last point raised as to the power of  
25 the Chief of Counsel to nolle pros. a case against



1 any of the accused, I do not need to take the valuable  
2 time of this learned Court to discuss that because I  
3 have no intention of so doing whatsoever; so we can  
4 save time on that. Furthermore, Mr. President, the  
5 effort of the prosecution was directed solely towards  
6 saving the time of this Court and if we are to have  
7 extended argument upon the subject we of the prosecu-  
8 tion will not press it because we are fully cognizant  
9 of the fact that these tremendously important pro-  
10 ceedings, in all events, are to be determined by a  
11 tribunal and not by a jury and, therefore, I shall  
12 avoid the necessity of replying in extenso to the  
13 first question proposed by the learned Tribunal by  
14 saying that the prosecution will not press charges  
15 other than those which will be clearly set forth, I  
16 think, and I believe amply in the record, as it will  
17 appear in these proceedings when transcribed.

18 I would like to utilize the few remaining  
19 moments before adjournment, if the Court indulges me  
20 and thinks it proper, by averting to what I believe  
21 is a clear misconception of the issues as stated by  
22 my learned friend of accused counsel, namely,  
23 Mr. President, he states--and I think I quote close  
24 to verbatim--that the issue is: Did TOGO feel enmity  
25 towards the prosecuting nations? That, Mr. President,



1 if I correctly heard, and I might have misconstrued  
2 or might not have properly heard what was said, we  
3 believe distinctly not to be the issue in this case.

4 What we would like to present to this learned  
5 Tribunal is the evidence as to what these accused did,  
6 what they said as to or about the time of their partici-  
7 pation in the offense, whether it be the substantive  
8 one or the conspiracy; but we do not believe,  
9 Mr. President, that the state of mind of TCGO in 1933  
10 is the important matter in this case. We believe it  
11 is, what was his state of mind when he, as we have  
12 proved, I think, and will prove, voluntarily  
13 acquiesced in war, and aggressive war, against the  
14 Western Powers.

15 That his state of mind may be shown, if the  
16 Court please, by evidence before the time that the  
17 acts were committed, we freely concede; but the  
18 doctrine announced by the learned counsel for accused  
19 that there is no limit to the time in which he can  
20 project himself into the past with his sayings and  
21 his writings, with great respect, would bring him  
22 back to the days of childhood and his love of birds  
23 and flowers and trees, notes that have not been un-  
24 sounded in this courtroom during these proceedings.

25 I am merely suggesting that there is some



1 limitation to that, both as to the time and as to  
2 the volume, and I am respectfully, on behalf of the  
3 prosecution, at this time addressing myself to this  
4 honorable Tribunal to exercise its discretion to keep  
5 out matter that has no real probative value. The  
6 accused may find another document in the morning go-  
7 ing back to 1923 or 1913, and it may even increase in  
8 volume.

9 That is our submission, Mr. President.

10 THE PRESIDENT: By a majority the objection  
11 is overruled and the document admitted on the usual  
12 terms.

13 We will adjourn until half-past nine in the  
14 morning.

15 (Whereupon, at 1600, an adjournment  
16 was taken until Tuesday, 16 December 1947,  
17 at 0930.)  
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